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The New Constitution of the U.S.S.R.

BY VERA MICHELES DEAN

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# The New Constitution of the U.S.S.R.

BY VERA MICHELES DEAN

*with the aid of the Research Staff of the Foreign Policy Association*

WHEN the Extraordinary All-Union Congress of the U.S.S.R., on December 5, 1936, adopted the constitution drafted by a special commission with Stalin at its head, it gave the country, in Stalin's words, "a socialist constitution based on principles of extensive socialist democracy." The purpose of the new constitution is to translate into law the practical results achieved by the Soviet system during the past twelve years. According to Stalin it registers the establishment of socialist economy, the elimination of class antagonisms, and the attainment of equality by all national groups composing the Soviet Union; grants equal "socialist" rights to all citizens, irrespective of race, class, sex, social origin or economic status; and provides for untrammelled exercise of these rights. "While for the peoples of the capitalist countries the constitution of the U.S.S.R. will have the significance of a program of action," said Stalin on November 25, 1936, "for the peoples of the U.S.S.R. it has the significance of a summary of their struggle, a summary of their victories on the front of the emancipation of mankind."<sup>1</sup>

Stalin's appraisal of the new constitution is challenged by Trotsky, who regards this document as a betrayal of the Bolshevik revolution, representing "an immense step back from socialist to bourgeois principles" and creating "the political premises for the birth of a new possessing class" as well as a new ruling group composed of the government and Communist party bureaucracy. This bureaucracy, in his opinion, must be overthrown by a new revolution, which would restore Soviet democracy and revive the traditions of revolutionary internationalism. Only thus can the Soviet Union be saved "for the socialist future" and the true principles of Marxism be made to triumph throughout the world.<sup>2</sup> Revival of the Trotsky-Stalin controversy regarding the objectives of the

Soviet state makes it particularly interesting to examine the new constitution both in the light of Marxist doctrine and of the actual course followed by the Soviet Union under Stalin's leadership.

Soviet political doctrine, while daily adapted to the practical needs of Soviet life by Stalin and his associates, derives its theoretical content from the works of Lenin, which in turn are based on those of Karl Marx and his collaborator, Friedrich Engels.<sup>3-4</sup> According to Marx and Engels the first phase of the transition from capitalism to socialism—which for them is synonymous with communism—will be the dictatorship of the proletariat, conceived as a "workers' democracy," not as a dictatorship by one political party over the proletariat. This workers' democracy will merge into socialist democracy as soon as the exploiting classes have been abolished and the entire population has been absorbed into productive labor. The process of transition is not divided by Marx and Engels into hard and fast historical periods, but its general direction is defined in terms of decreasing state coercion, increasing productivity, greater political freedom, equalization of living standards and higher cultural activity. During the dictatorship of the proletariat—which is expected to be marked by bitter struggles between "a dying capitalism and a communism which is being born"<sup>5</sup>—the state, regarded primarily as an instrument of the ruling class, will continue to exist. Economic inequalities between intellectual work and manual labor, as

1. *Izvestia*, November 26, 1936.

2. Leon Trotsky, *The Revolution Betrayed*, translated by Max Eastman (New York, Doubleday, Doran, 1937).

3-4. Karl Marx and Friedrich Engels, *The Communist Manifesto* (New York, International Publishers, 1930); Karl Marx, *Capital, a Critique of Political Economy*, translated from the fourth German edition by Eden and Cedar Paul (two volumes; New York, Dutton, 1930); V. I. Lenin, *Gosudarstvo i Revoliutsia* (Petrograd, "Life and Science," 1919), pp. 94-95. For an English translation of the latter work, cf. V. I. Lenin, *The State and Revolution* (New York, International Publishers, 1932).

5. V. I. Lenin, "Economics and Politics during the Period of the Dictatorship of the Proletariat," *Sochineniya (Works)* (Moscow, Lenin Institute), Vol. XV, p. 347. An exposition of Lenin's doctrines is found in Joseph V. Stalin, *Leninism* (London, Allen and Unwin, 1928).

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well as within these two groups, will persist, and goods will be distributed among the citizens not according to need, but on the basis of work actually performed.<sup>6</sup> Only when classes have been completely destroyed will the state become obsolete and slowly "wither away," until it is relegated, in Engels' phrase, to the museum of antiquities, along with the bronze axe and the spinning-wheel.<sup>7</sup>

Both Marx and Lenin argued that the dictatorship of the proletariat, while resorting to compulsion, will differ from its predecessor, the bourgeois state, in one important particular: in contrast to the bourgeois state, where a majority had been oppressed by a minority, the proletarian dictatorship will organize the masses of the people for the oppression of a small group of exploiters. The workers' state, they claimed, will thus be more truly democratic than so-called Western democracies, where legal provisions guaranteeing liberty and equality to workers and employers alike are nullified in practice by the control which the propertied classes exercise over the schools, the courts, the press and the ballot-box.<sup>8</sup> The "democratic" character of the dictatorship of the proletariat is not modified, in their opinion, by the restrictions it places on the freedom of former exploiters. These restrictions are regarded as a temporary expedient, which will be abandoned at the termination of the class struggle.<sup>9</sup>

Neither Marx, nor Lenin before 1917, attempted to describe the political structure of the dictatorship of the proletariat in any detail, beyond referring in laudatory terms to the government established by the Paris Commune of 1871, which both regarded as the first step toward proletarian revolution.<sup>10</sup> Marx expressed particular enthusiasm regarding the fact that the Commune had been "not a parliamentary body but a working body," combining executive and legislative functions, and that deputies had been selected not for their political views but for their technical qualifications. Lenin indicated a preference for a state organized on the model of a business enterprise, where the class of professional "rulers"—civil servants and political leaders—would be rapidly replaced by technical experts selected by the laboring masses,

in which all public functions would be simplified and brought to the level of the average citizen's capacity, and whose defense would be entrusted to an army drawn exclusively from the proletariat.<sup>11</sup>

The Marxist conception of political organization in the classless society which is to succeed dictatorship of the proletariat has as yet been even less definitely formulated. Inequality between intellectual and physical labor will presumably disappear, production will be greatly expanded, and social wealth will be distributed on the principle: "From each according to his ability, to each according to his needs."<sup>12</sup> The population, trained in the methods of collective production, will learn to observe the elementary rules of collective life, and the machinery of the state, designed primarily for compulsion, will be discarded in favor of unqualified freedom and equality.<sup>13</sup> National barriers will disappear as proletarian revolution spreads from state to state, and the proletariat of the world, liberated from the capitalist yoke, will unite in one vast community of producers.

#### THE 1918 CONSTITUTION

The first Soviet constitution—adopted by the Fifth All-Russian Congress of Soviets in the full tide of revolution on July 10, 1918—was designed to fit the needs of the "transition period" from capitalism to socialism.<sup>14</sup> Its principal object was "the establishment of the dictatorship of the urban and rural proletariat and the poorest peasantry in the form of a strong all-Russian soviet power, with the aim of securing the complete suppression of the bourgeoisie, the abolition of the exploitation of man by man, and the establishment of socialism, under which there shall be neither class division nor state authority." At that "decisive moment in the struggle of the proletariat against its exploiters," the constitution declared, the exploiting classes could "have no place in any of the organs of power." All central and local authority was vested "completely and exclusively" in the laboring masses and their "plenipotentiary representatives, the soviets of workers', soldiers' and peasants' deputies."

The 1918 constitution conferred specific rights on the laboring masses, which had emerged victorious from the Bolshevik revolution. "In order to secure for the laboring masses genuine freedom

6. Lenin, *Gosudarstvo i Revolyutsia*, cited, p. 87.

7. *Ibid.*, p. 16.

8. *Ibid.*, p. 82.

9. Program of the All-Russian Communist Party, *Vosmoi S'ezd Rossiiskoi Kommunisticheskoi Partii* (Eighth Congress of the Russian Communist Party), March 18-23, 1919 (Stenographic Report; Moscow, "Communist," 1919), p. 341.

10. Karl Marx, *Der Bürgerkrieg in Frankreich* (Berlin-Wilmersdorf, *Die Aktion*, 1919); Lenin, *Sochineniya*, cited, Vol. XII, p. 163.

11. Lenin, *Gosudarstvo i Revolyutsia*, cited, p. 46.

12. *Ibid.*, p. 90.

13. *Ibid.*, p. 84.

14. For Russian text, cf. *Izvestia*, July 19, 1918. For English translation, cf. Walter R. Batsell, *Soviet Rule in Russia* (New York, Macmillan, 1929), p. 80.

of conscience," the church—which the Bolsheviks intended to uproot—was separated from the state, and the school from the church; freedom of anti-religious as well as religious propaganda was acknowledged to be the right of all citizens. "In order to secure for the laboring masses genuine freedom of expressing their opinion," the constitution terminated "the dependence of the press upon capital" and handed over to the working class and the poor peasants all the technical and material resources necessary for the publication of newspapers, pamphlets, books, and all other printed matter, and guaranteed their free circulation throughout the country. It guaranteed freedom of assembly, and placed at the disposal of workers and peasants "all premises fit for public gatherings, together with their furniture, lighting, and heating." It assured the laboring masses "full liberty of association." It recognized work to be the duty of all citizens and proclaimed the watchword: he who does not work shall not eat. All citizens were charged with the duty of defending the "socialist fatherland," but the honor of bearing arms "in defense of the revolution" was granted only to the laboring masses: non-laboring elements were to be assigned to other military tasks. The constitution proclaimed the equality of all citizens, irrespective of race or nationality, and declared it contrary to the fundamental laws of the Soviet state to institute or tolerate privileges, or repress national minorities. It minutely described the structure and functions of the organs of "soviet authority," from village, town and factory soviets to the All-Russian Congress, but made no reference to the real source of authority in the Soviet state—the Communist party.

The basic principles enunciated by the 1918 constitution remained in force under the fundamental law adopted in 1924 by the Second All-Union Congress of Soviets.<sup>15</sup> This document was both a treaty of union between the four republics which at that time composed the U.S.S.R. and the constitution of the newly formed union. The U.S.S.R. was then emerging from the chaos of civil war, which had left in its wake "desolated fields, closed-down factories, destroyed productive forces and the exhaustion of economic resources."<sup>16</sup> The Soviet government, in an effort to foster economic recovery, had permitted a limited revival of capitalism under its New Economic Policy (NEP), which encouraged

the reappearance of private traders and *kulaks*. Industry, only 80 per cent of which had been socialized, "presented an unenviable picture"; agriculture, still controlled by individual peasants, remained at a low technical level; at least 50 per cent of trade was in the hands of private merchants and speculators.<sup>17</sup> Socialism seemed to be temporarily retreating before capitalism.

After 1924 the dictatorship of the proletariat—in reality exercised by the Communist party<sup>17a</sup>—proceeded to socialize industry and agriculture, and transformed the state into an enormous business enterprise operated by a widely ramified bureaucracy of government and party officials and technical experts. During this period, regarded as transitional, the machinery of the state, far from "withering away," extended its grip over all phases of life in the Soviet Union; while the class struggle was intensified by sharp distinctions drawn between four main social groups: the proletariat—workers and "poor" peasants; the "middle" peasants, potential allies of the proletariat; employees and professional men, drawn chiefly from the old intelligentsia; and the former "exploiters"—aristocrats, bourgeois, private traders, priests and, after 1930, *kulaks*—who were known as the "disfranchised" (*lishentzi*).

These class demarcations were regarded by leading Communists as an inevitable corollary of the transition period, which must witness the final destruction of capitalist elements both in the economic system and in "the consciousness of men." Communist spokesmen declared that the progress of economic planning and the consequent growth of socialism were gradually mitigating the class struggle, and predicted the abolition of all classes under the second Five-Year Plan, scheduled to end in 1937. The fundamental political problem of the second Five-Year Plan, in their opinion, would be "the transformation of all the working population of the country into conscious and active builders of a classless socialist society."<sup>18</sup>

With the triumph of collectivization, which by 1935 had eliminated the danger of large-scale peasant opposition; the progress of production, not only in heavy industries, but in those devoted to the manufacture of consumers' goods; the resulting

15. For Russian text, cf. U.S.S.R., *Systematicheskoe Sobranye Deistvuyushchikh Zakonov S.S.S.R.* (Systematic Collection of Laws of the U.S.S.R.) (Moscow, 1923), Vol. I, p. 3. For English translation, cf. Batsell, *Soviet Rule in Russia*, cited, p. 304.

16. First section of 1924 constitution: *Declaration regarding the Formation of the U.S.S.R.*

17. Speech delivered by Stalin when presenting the 1936 draft constitution to the Extraordinary All-Union Congress on November 25, 1936. *Izvestia*, November 26, 1936.

17a. Stalin speaks of the Communists as "one party, our party, which does not share, and must not share, the rule of the state with any other party. This is what we mean by the dictatorship of the proletariat." Stalin, *Leninism*, cited, pp. 27-28.

18. Report on the Second Five-Year Plan by Vyacheslav Molotov, president of the Council of People's Commissars of the U.S.S.R., at the Seventeenth Conference of the All-Union Communist Party, February 4, 1932. *Izvestia* February 5, 1932.



improvement in the food supply and the general standard of living; and the realization that the Soviet Union was equipped to defend itself against foreign attack—Stalin and his associates decided to reconsider the Soviet constitution in the light of social and economic developments which had occurred since 1924. In presenting the draft constitution to the Extraordinary Congress of Soviets on November 25, 1936, Stalin declared that “the first phase of communism, socialism” has “in the main” been achieved in the Soviet Union.<sup>19</sup> “The exploitation of man by man has been abolished and socialist ownership of the implements and means of production is established as the unshakable basis of our Soviet society. As a result of all these changes in the national economy of the U.S.S.R. we have now a new socialist economy knowing neither crises nor unemployment, neither poverty nor ruin, and giving our citizens every possibility to live prosperous and cultured lives.” The “exploiting” classes—capitalists, *kulaks*, merchants and speculators—have been “liquidated.” Only three classes remain—workers, peasants and intelligentsia. The workers, having acquired socialist ownership of the implements and means of production, are no longer the “proletariat,” but an “entirely new class” which is leading Soviet society along the road to communism. The peasants have been transformed into collective agriculturists free from the exploitation of landlords and *kulaks*. The Soviet intelligentsia is “no longer the old conservative intelligentsia which tried to place itself above classes,” but is bound by its roots to the workers and peasants. On the basis of this analysis, Stalin contended that economic differences between social groups are being gradually obliterated; that basic class antagonisms have disappeared; and that the Soviet Union, having achieved a socialist economy, is moving in the direction of socialist democracy and a classless society.

Stalin’s contentions are disputed by Trotsky,<sup>20</sup> who claims that the disappearance of former “exploiters” has paved the way not for classless society, but for new social stratifications based on marked differences in income and material privileges; that these differences are purposely emphasized by the government, which fosters piecework and the “speed-up” system of production; that the party and government bureaucracies constitute a new ruling group, which enjoys a disproportionate share of “socialist” property as compared with the masses of workers and peasants; that the soviets, in which the power of the laboring masses was

originally vested, have been deprived of control over Soviet affairs, now administered by Stalin and his associates who are no longer subject to the curb of opposition criticism within the Communist party; and that exploitation by the state, sole employer of labor, has been substituted for exploitation by capitalist elements. In Trotsky’s opinion, socialization of the means of production and establishment of planned economy have failed to produce socialism in the Soviet Union, because a low level of industrial production has perpetuated “bourgeois norms of distribution.” To speak of socialist democracy and classless society at this stage, according to Trotsky, is to give an entirely false picture of Soviet reality. True socialism, he argues, cannot be established in a single, industrially backward country like Russia. It can be achieved, as he has always insisted, only after the outbreak of world revolution in countries whose level of industrialization permits distribution of goods not according to work—a concept regarded by Trotsky as a capitalist atavism—but according to need.

Non-Russian Marxists also contend that the U.S.S.R. has not achieved the socialist classless society envisaged by Marx and Engels. In support of their view they point to the increasingly coercive character of the Soviet state, the persistence of striking relative differences in income, and the continuance of one-party rule which, they claim, prevents development of a true workers’ democracy.

#### BASES OF THE SOVIET STATE

The 1936 constitution is regarded by Stalin not as a blueprint for the Communist state of the future, but as a record of the practical results achieved by the U.S.S.R. during the past twelve years. Article 1 of the constitution<sup>21</sup> declares that the Soviet Union is a socialist state of workers and peasants. Omission of the intelligentsia from the list of social groups constituting the state was explained by Stalin on the ground that the intelligentsia “never was and cannot be a class—it was and remains an intermediate layer, recruiting its members from all classes of society . . . . In our Soviet period the intelligentsia recruits its members chiefly from workers and peasants.”<sup>22</sup> The political foundation of the state consists of the soviets of

21. For English translation, cf. *Text of the New Constitution of the U.S.S.R.*, translated by Professor Clarence A. Manning (Columbia University; International Conciliation, Carnegie Endowment for International Peace, February 1937, No. 327); also Anna Louise Strong, *The New Soviet Constitution* (New York, Holt, 1937), p. 119.

22. Speech of November 25, 1936, cited.

19. Speech of November 25, 1936, cited.

20. Trotsky, *The Revolution Betrayed*, cited.

toilers' deputies, "which have developed and grown strong as a result of the overthrow of the power of the landlords and capitalists and the winning of the dictatorship of the proletariat";<sup>23</sup> while its economic foundation is the socialist system of economy and socialist ownership of the implements and means of production, "firmly established as a result of the liquidation of the capitalist system of economy, the abolition of private ownership of implements and means of production, and the destruction of the exploitation of man by man."<sup>24</sup>

The constitution distinguishes between socialist property, which has either the form of state property (the wealth of the whole people) or the form of cooperative or, collective enterprises, and the personal property of individual citizens. State property embraces land, waters, forests, mills, factories, mines, railways, banks, means of communication, state farms, machine and tractor stations; cooperative or collective property includes collective farms with their livestock, implements, products and public structures. In addition to the "basic income" it derives from the collective farm, every collective farm household may own for personal use a small plot of land attached to its homestead, livestock, poultry and small farm tools. While the land occupied by collective farms is the property of the state, its free and perpetual use is granted to the farms by the constitution.<sup>25</sup> This provision—intended to satisfy the age-long hunger of the Russian peasant for possession of the land without sacrificing the principle of state ownership—has been attacked by Trotsky as a camouflaged return to private group property in a means of production.<sup>26</sup>

Side by side with the "prevailing" system of socialist economy, the constitution recognizes two forms of personal property. It permits the existence of small enterprises owned by individual peasants and handicraftsmen—whose number has been markedly reduced in recent years by agricultural collectivization and the expansion of large-scale industrial production—provided the operation of these enterprises involves no exploitation of the labor of other persons. And it protects the right of all Soviet citizens to own personal property such as income from work, savings, dwelling houses, domestic articles and utensils, objects of personal use and comfort,<sup>27</sup> as well as the right to inherit personal property. In other words, the non-collec-

tivized Soviet peasant may own a small farm; a shoemaker may own his premises and tools; and every Soviet citizen may own a savings account, government bonds, a house in town or villa in the country, an automobile, books, clothes, and furniture. His ability to acquire such possessions is limited only by his ambition and earning capacity.

Recognition of certain forms of personal property in the Soviet Union has been deplored by some observers—and hailed by foreign conservatives—as a retrogression to capitalism and a surrender to the fleshpots of bourgeois society. Soviet commentators, however, argue that personal property is compatible with socialism and even communism, provided it serves the private use of the worker and his family, and does not become an instrument for exploitation of the labor of others.<sup>28</sup> The Soviet government fosters the Stakhanov movement for increased productivity in industry and agriculture, which redounds directly to the benefit of the individual worker in terms of higher wages or bonuses; and does not frown on economic differentiations which may develop as a result of differences in income between the unskilled, slothful or physically handicapped worker and his Stakhanov colleague. What it opposes is not individual ownership of personal property, but accumulation of capital by the individual for investment in private enterprises employing hired labor. Only the reappearance of such enterprises, according to Soviet authorities, could be described as restoration of capitalism. In their opinion the objective of Soviet society is not to place all workers on the same economic level or to promote an ascetic mode of life, but to provide opportunities for the maximum development of the individual and make available to all the material comforts reserved for a few in capitalist states. Trotsky argues, in reply, that at the present time material rewards are no more equally distributed in the Soviet Union than under capitalism, and that the masses have little prospect of acquiring objects of personal use and comfort, accessible only to a small group of highly paid and highly favored Soviet bureaucrats and Stakhanov workers.<sup>29</sup> To this Soviet spokesmen would retort that wider distribution of consumers' goods can be effected only by increasing industrial production—an aim which can be achieved only by offering special material rewards as an incentive to ambitious workers and technical experts at the present stage of Soviet development. They argue, moreover, that in addition

23. Article 2.

24. Article 4.

25. Article 8.

26. Trotsky, *The Revolution Betrayed*, cited, p. 129.

27. Articles 9-10.

28. M. Krivitzky, "O Lichnoi Sobstvennosti" (Regarding Personal Property), *Izvestia*, October 9, 1936.

29. Trotsky, *The Revolution Betrayed*, cited.

to income derived from work, all Soviet citizens enjoy "social income" in the form of opportunities for leisure and education, as well as various kinds of social insurance.

Planned development of the country's resources in manpower and raw materials is to be continued under the new constitution, which declares that economic life is determined and directed by a state plan for the purpose of increasing the public wealth, of steadily raising the material and cultural standard of the toilers, and of strengthening the independence and defense capacity of the U.S.S.R.<sup>30</sup> The constitution proclaims that the Soviet state has reached the stage of socialism—not of communism. According to the constitution the socialist principle "from each according to his ability, to each according to his work" is now in process of realization, and work is a duty and a matter of honor for every able-bodied citizen, on the principle: "He who does not work, shall not eat."<sup>30a</sup> This declaration of principles has been assailed by Trotsky, who contends that payment "according to work" instead of "according to needs," as practiced in the Soviet Union, becomes "a source of injustice, oppression and compulsions for the majority, privileges and a 'happy life' for the few."<sup>31</sup>

The U.S.S.R., under the new constitution, remains a federated state consisting of eleven union republics, as compared with four in 1923.<sup>31a</sup> In this federation Michael Kalinin, president of the RSFSR and a member of the Political Bureau of the Communist party, performs some of the ceremonial functions usually exercised by presidents of Western republics, such as the reception of ambassadors. The constitution, however, makes no provision for a president, and entrusts all legislative, executive and judicial powers to the Supreme Soviet, or Council, of the U.S.S.R. (formerly All-Union Congress), which is to be convened twice a year—instead of every two years as provided in 1924. This Council is composed of more than a thousand representatives elected by secret ballot on the basis of universal, direct and equal suffrage, who may be recalled at any time by their constituents. The only appeal from the legislative au-

thority of the Council lies in a popular referendum, which may be requested by any one of the constituent republics. The Council appoints the highest executive and administrative organ in the country, the Council of People's Commissars, and elects the Supreme Court and special courts of the U.S.S.R. for a term of five years.

The Supreme Council consists of two chambers—the Council of the Union and the Council of Nationalities—composed of an approximately equal number of members elected directly by the citizens.<sup>32</sup> The Council of the Union is elected on the basis of population, with one representative for every 300,000 people; while representatives to the Council of Nationalities are elected on the basis of twenty-five for each union republic, eleven for each autonomous republic, five for each autonomous province, and one for each "okrug" or township. A proposal to abolish the Council of Nationalities and establish a unicameral parliament was rejected by Stalin, on the ground that the Soviet Union is not a national, but a multi-national state, and that while the Council of the Union represents the common interests of all toilers irrespective of nationality, the Council of Nationalities is essential for the representation of the specific interests of national minorities.<sup>32a</sup> The two chambers enjoy an equal right to initiate legislation, and a law is considered adopted if passed by a majority in both chambers. A majority of not less than two-thirds in each chamber is necessary for amendment of the constitution. Deputies may not be prosecuted or arrested without the consent of the Supreme Council. During intervals between sessions the Council is represented by a Presidium of thirty-seven members, which it elects, and which constitutes a kind of "collective presidency." The Presidium exercises many of the functions of the Supreme Council, such as the appointment and removal of government officials, the ratification of treaties and the declaration of war. It should be noted that the Presidium may declare war only "in case of an armed attack upon the U.S.S.R., or in case of the need of fulfilling international treaty obligations of mutual defense against aggression."<sup>33</sup> The second part of this provision, added to the draft constitution by an amendment which evoked applause at the Extraordinary All-Union Congress on December 5, 1936, is intended to implement treaties of mutual

30. Article 11.

30a. Article 12.

31. Trotsky, *The Revolution Betrayed*, cited, p. 259.

31a. Only one constituent republic, the RSFSR, existed in 1918, and only four—the RSFSR, the Ukrainian SSR, the White Russian SSR and the Transcaucasian SSR—in 1923. The Uzbek SSR and the Turkmen SSR were added at the end of 1924, and the Tajik SSR in 1929, making a total of seven. The 1936 constitution breaks up Transcaucasia into three separate constituent republics—the Armenian SSR, the Georgian SSR and the Azerbaijan SSR—and forms two new republics, the Kazak SSR and the Kirghiz SSR.

32. Articles 34-35. The original draft of the constitution provided for a smaller Council of Nationalities elected by the governments of the constituent republics.

32a. Speech of November 25, 1936, cited.

33. Article 49 (j).

assistance concluded by the Soviet Union, such as those with France and Czechoslovakia.

The Supreme Council, at a joint session of both chambers, forms the Council of People's Commissars,<sup>33a</sup> which corresponds to the cabinet in Western states. According to Soviet law the People's Commissars, whose position is similar to that of Western cabinet ministers, are appointed by and responsible to the Supreme Council. In practice the Communist party exercises a decisive influence over appointments to the Council of People's Commissars. In 1930 when Rykov, who had succeeded Lenin as president of the Council—a position analogous to that of Premier in parliamentary government—was censured by the party for his support of the Right Opposition, he was forced to resign in favor of Molotov, a close adherent of Stalin, who continues to occupy that post. The Council of People's Commissars is charged with the execution of all measures necessary for the general administration of the Union, preliminary examination of all projects of law submitted to the Presidium, particularly those concerning the introduction of new or the increase of already existing taxes, and preparation of the Union budget.

The Council of People's Commissars<sup>34</sup> consists of all-union commissariats, which are common to the whole union, and union-republic commissariats, which are duplicated in every union republic. The first category of commissariats embraces defense, industry for defense, foreign affairs, foreign trade, railways, communications, water transport, and heavy industry; the second includes light industry, food industry, timber industry, agriculture, state grain and livestock farms, finance, internal trade, internal affairs, justice and health. The administrative system of the Union is duplicated in the union republics, each of which has its supreme council, presidium, and council of people's commissars.

The Union government is entrusted not only with powers usually reserved to the central organs of a federation—conduct of foreign affairs, national defense, administration of the federal budget—but controls the foreign trade monopoly, determines plans of national economy, formulates the fundamental principles of education, administers banks, industrial and agricultural enterprises, and defines the principles governing the development and use of land. The Union republics retain the right “freely to secede” from the Union and sovereign authority over all matters not specifically re-

served to the federal organs, including the administration of justice, health, education and social welfare. In practice, all activities of the union republics must conform with policies of the Union government and the Communist party.

#### SOCIALIST BILL OF RIGHTS

The 1936 constitution contains a more comprehensive and elaborate list of “the basic rights and duties of citizens” than that found in the constitution of 1918.<sup>34a</sup> This list is both a “socialist” bill of rights and a detailed analysis of the social achievements claimed by the Soviet system. Soviet citizens, it declares, have the right to guaranteed employment and payment for their work in accordance with quantity and quality. This right is insured “by the socialist organization of national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment.” They have the right to rest—a right insured by the reduction of the working day to seven hours for the overwhelming majority of the workers, establishment of annual vacations with pay for workers and employees and provision of a wide network of sanatoria, rest homes and clubs for the accommodation of working people. They have the right to material security in old age as well as in the event of sickness or loss of capacity to work—a right insured by the wide development of social insurance of workers and employees at the expense of the state, free medical aid, and provision of a wide network of health resorts for the use of working people. They have the right to education—a right insured by universal compulsory elementary education, free of charge, including higher education; by the system of state scholarships for the overwhelming majority of students in higher schools, instruction in native languages, and organization of free vocational, technical and agronomic education for the toilers in factories, state farms, machine and tractor stations and collective farms. Women are accorded equal rights with men in all spheres of economic, state, cultural, social and political life. The possibility of realizing women's rights is assured by granting women equally with men the right to work, payment for work, rest, social insurance and education, and by state protection of the interests of mother and child, pregnancy leave with pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

The new constitution assures all citizens equal

33a. Article 56.

34. The organization and functions of the Council of People's Commissars are covered in Articles 64-78.

34a. Articles 118-133.



rights, irrespective of nationality or race, in all spheres of economic, cultural, social and political life. Direct or indirect restriction of these rights or establishment of privileges for citizens on account of race or nationality, as well as propagation of racial or national hatred and contempt, is punishable by law: This provision, regarded by Soviet authorities as a signal contribution to real democracy, is intended to offer a sharp contrast to the racial restrictions imposed by the Nazi government in Germany. It should be pointed out, however, that the constitution does not bar propagation of hatred and contempt on political grounds, as demonstrated by the abuse and invective showered on alleged Trozkyists by the Soviet press in 1937.

The church, under the 1936 constitution, continues to be separated from the state, and the school from the church. Freedom to perform religious rites, as well as freedom of anti-religious propaganda, is recognized for all citizens. It should be noted that, while freedom of anti-religious propaganda is explicitly permitted, no similar freedom is vouchsafed for religious propaganda. The new constitution assures inviolability of the person, of homes, and of secrecy of correspondence. "No one may be subject to arrest except by an order of the court or with the sanction of a state attorney"—a provision apparently intended to check arbitrary arrests by the state police (former OGPU). The effectiveness of this provision will depend on the extent to which prosecutors and other government officials are prepared to respect personal rights. The wave of mass arrests and imprisonments which has coincided with promulgation of the new constitution would indicate that, in practice, the government is not yet ready to dispense with extreme methods of repression when it believes itself threatened by opposition or treason.<sup>35</sup>

"With the object of strengthening the socialist system," the new constitution guarantees to all citizens freedom of speech, of the press, of assembly and meetings, of street processions and demonstrations. These liberties are insured by placing at the disposal of the workers and their organizations printing presses, supplies of paper, public buildings, streets, means of communication and other material conditions necessary for their exercise. This provision represents the Soviet concept of socialist, as contrasted with "bourgeois," democracy. The Soviet government has always contended that the freedom enjoyed by workers in Western democracies is purely formal, since the workers have

neither the means nor the opportunity to obtain full access to the press, hire large halls for meetings, or hold processions in the streets without interference by the police.

The liberties set forth in the Soviet constitution, however, are not to be enjoyed by opponents, but only by adherents of the present régime.

"It would be wild," says one Soviet commentator, "to grant freedom of assembly, meetings, street processions, for instance, to monarchists; incongruous on our streets would be people bearing Tsarist flags and singing in the Soviet land 'God, save our Tsar.' It would be wild to imagine that in our halls should appear Mensheviks and Social Revolutionaries with an appeal to turn back from socialism to capitalism . . . . And he who would attempt to call for the overthrow of the socialist system won by the toilers or attempt to weaken this system will appear before the peoples of the Union as a criminal, having no right to enjoy the liberties envisaged by the constitution." These liberties are to be granted to all "with the exception of those who, by their actions and their ideas are in conflict with the interests of the toilers, who have as their objective the destruction of the socialist order . . . . There can be no meetings of lunatics, just as there can be no meetings of criminals—monarchists, Mensheviks, Social Revolutionaries, etc."<sup>36</sup>

#### POSITION OF THE COMMUNIST PARTY

The constitution gives citizens the right to unite in various organizations—trade unions, cooperative associations, youth, sport and defense organizations, cultural and scientific societies—which may, as in the past, nominate candidates for election to the soviets, but does not permit the formation of political groups other than the Communist party, composed of "the most active and politically conscious citizens." This party, described by the constitution as "the vanguard of the working people in their struggle to strengthen and develop the socialist order," and as "the directing nucleus of all organizations of the working people, both public and state," retains its monopoly of political power. Stalin frankly declared in his speech to the Extraordinary All-Union Congress that the new constitution leaves "in force the régime of the dictatorship of the working class" and does not alter the position of the Communist party—a feature he regards not as a defect, but as a merit. In his opinion political parties are the vanguard sections of social classes. The existence of several parties can be justified only in states composed of a number of antagonistic classes, whose hostile and ir-

35. The Moscow trials and their relation to the political situation in the Soviet Union will be discussed in a forthcoming *Foreign Policy Pamphlet*.

36. P. Katanyan, "Svoboda Sobraniy" (Freedom of Assembly), *Izvestia*, August 6, 1936.

reconcilable interests provoke political controversy. In the Soviet Union, where only two classes—workers and peasants—live amicably side by side, there is room for only one party, the Communist party, “which boldly defends the interests of workers and peasants to the very end.”<sup>37</sup>

The Communist party—whose organization and functions are not described in the constitution—has at present 1,500,000 members<sup>38</sup> in a country of 170,000,000 people, which shows a decrease of one-half as compared with 1933. Its relatively small membership is due, in part, to the rigid conditions required of candidates for admission, in part to the searching control exercised by party officials through periodic investigations known as “purges.”

The nucleus of party organization is the cell, which must include not less than three party members, and may be formed in factory, village or office. The function of the primary unit is to carry out party policies and decisions, admit and educate new members, assist local party committees in propaganda work, and actively participate in the country's political and economic life.

Party cells elect delegates to a hierarchy of party organs, culminating in the All-Union Party Congress, usually convoked every two years, which according to the party constitution<sup>39</sup> acts as the supreme organ of authority. The Congress, however, delegates its powers to a Central Committee which it elects by secret ballot, and which represents it during intervals between sessions. The Central Committee, composed of 71 members, in turn elects a secretariat; an organization bureau (*Orgubureau*), which is entrusted with administrative functions; and a Political Bureau (*Politbureau*) of ten members, which is concerned with formulation of party policies, and is the real source of authority and power in the Soviet Union.

The members of the *Politbureau* are named by secret ballot in the Central Committee. In practice their selection is determined by Stalin, Secretary-General of the party since 1922, himself a member of the *Politbureau*. While Stalin occupies no important post in the government of the Union, he exercises a decisive influence on both party and government policy. The *Politbureau* has no published statutes; its meetings, like those of the party congresses, are not open to the public; and only its

resolutions, subsequently embodied in decrees countersigned by Soviet officials, are made known to the country. All fundamental problems of party and government policy are first threshed out in the *Politbureau*. Such far-reaching developments as the introduction of the Five-Year Plan, the “liquidation” of the *kulaks*, the inauguration of a milder policy toward technical experts, and the project for revision of the constitution, originated not with the organs of the Soviet government, but with the *Politbureau*, and were actually formulated by Stalin and his closest associates. This predominance of the party over the government creates no real political conflict, since all leading Soviet officials are members of the party, while the majority of the members of the *Politbureau* occupy responsible government positions.

The constitution of the party describes party organization as “democratic centralism,” and provides for “complete freedom” of discussion regarding controversial questions. Once a decision has been reached, however, party discipline demands the cessation of discussion, and all party organs, as well as Communist “fractions” in non-party organizations (soviets, trade or professional unions, and cooperative associations), must immediately give effect to party mandates. Failure to follow party directions, and “other offenses recognized as criminal by the public opinion of the party,” are investigated by a Central Control Committee, and are subject to penalties ranging from censure to expulsion. When Trotsky condemned Stalin's policies in 1927, he and some of his associates in the Left Opposition were expelled from the party, and subsequently exiled. Similarly, when Bukharin, editor of the Communist organ *Pravda*, supported the Right Opposition, he was ousted from the Political Bureau of the party in 1929, and his fate was shared in 1930 by Rykov and Tomsky, chairman of the All-Union Council of Trade Unions, despite their recantation of the “Right heresy.” Subsequent restoration of Left and Right Opposition leaders to party membership and even to government posts did not prevent their trial and execution in 1936-1937 on charges of treason.

The severe treatment meted out to dissenters by the *Politbureau* is justified by Communist leaders on the ground that the “monolithic unity” of the party—regarded as a bulwark against capitalist reaction—can be maintained only by strict enforcement of the “party line.” This line is not a rigid program which takes no cognizance of change of circumstances, but a flexible set of formulas determined by a concrete “historical situation” and designed to meet the special problems which each

37. Speech of November 25, 1936, cited.

38. Two million with candidates.

39. *Ustav VKP s Resolutsiami Partsyeyzdov, Konferentsii i TSK VKP po Voprossam Partynovogo Stroitelstva* (Constitution of the All-Union Communist Party with the Resolutions of Party Congresses, Conferences and of the Central Committee of the Party on Questions of Party Construction) (Moscow, State Publishing House, 1926).

situation creates. The party line, while invariably supported by quotations from Lenin's works, represents the policy which Stalin and his associates consider best adapted to existing conditions.

Centralization of party authority in the hands of the *Politbureau* and elimination of opposition within the party have been denounced by Trotsky as a betrayal of "party democracy," which existed in the early years of the Bolshevik revolution. That Trotsky's criticism is not unfounded was revealed on March 5, 1937, when the plenum of the Central Committee of the Communist party decreed that party officials should henceforth be freely elected, as provided by the party constitution, and that the practice of appointing officials from above on grounds of personal favoritism or local political pull—which had apparently prevailed in many sections of the country—should be immediately abandoned.<sup>40</sup> The new Soviet constitution, according to party leaders, represents a significant "turning-point" in the political life of the country. Adoption of universal, direct and equal suffrage, in their opinion opens the way for broader participation by the masses in the process of government, and calls for increased responsiveness by party officials to the interests and desires of the voters.<sup>40a</sup>

These reforms, designed to introduce "internal party democracy" in preparation for elections to the Supreme Council, which are to be held next autumn under the new constitution, fail to meet Trotsky's chief objection to party bureaucracy. Trotsky demands not only free election of party officials, who under the present system must be loyal adherents of Stalin, but the opportunity to form an active opposition within the party—an opportunity which the Stalin régime is not ready to concede, as shown by its efforts to uproot Trotskyism at the Moscow trials.

#### ELECTORAL SYSTEM

While the new constitution makes no pretense of establishing a multiparty democracy such as that familiar to several Western States, it claims to introduce "socialist democracy" by revising the electoral system of the U.S.S.R.<sup>41</sup> Under the 1924 constitution the electoral system bore an admittedly class character: the vote was granted only to the toiling population; the workers enjoyed an advan-

tage over the peasants with respect both to the number of delegates whom they could elect to the soviets and the manner in which they elected them; and voting took place on an occupational rather than geographical basis, electoral assemblies being held in factories, offices, collective farms and other production units.

The vote, formerly considered a privilege of those who either earned their livelihood by "productive work useful to society" or were enlisted in the Soviet armed forces, is to be exercised, under the new constitution, on the basis of universal, equal and direct suffrage. Elections, which in the past were usually open, the vote being taken by a show of hands, are to be held by secret ballot. Candidates are to be nominated—and elected—individually according to electoral districts, not, as before, on the basis of lists drawn up at various units of production.

All citizens who have reached the age of eighteen may now vote, irrespective of race, nationality, religion, education or residential qualifications, social origin, property status or past activity. The category of disfranchised, which at one time was estimated to have affected 8,000,000 persons but had dwindled to 2.5 per cent of the adult population by 1934, is thus officially abolished. Commenting on a proposal to perpetuate disfranchisement of former "exploiters," or at least bar them from election to soviets, Stalin declared that the Soviet government had deprived hostile elements of the vote not for all time, but only for a given period. During this period the "exploiting classes" had been destroyed, and Soviet power had become invincible. He dismissed as unfounded the fear that former enemies of the Soviet state might now penetrate into government organs. Not all "exploiting" elements, in his opinion, are hostile to the Soviet system. Should any "enemies" be elected, this would simply mean that Soviet propaganda had proved ineffective, and that the party had "fully deserved such dishonor."<sup>42</sup>

The introduction of universal, direct and equal suffrage is attacked by Trotsky on the ground that by broadening the electorate it "dissolves" the working class in the nation and "liquidates" the dictatorship of the proletariat—"the sole class interested right up to the end in the victory of socialism"—at a time when neither socialism nor a classless society has been achieved in the Soviet Union.<sup>43</sup> He also questions the use of the secret ballot which, he argues, would be unnecessary in a truly socialist state, where voters would no longer fear

40. "Informazionnoe Soobshenie ob Ocherednom Plenum TSK VKP(b)" (Communiqué Regarding Plenum of Central Committee of All-Union Communist Party), *Izvestia*, March 6, 1937.

40a. Report of Zhdanov at the Plenum of the Central Committee of the All-Union Communist party on February 26, 1937. *Izvestia*, March 11, 1937.

41. Articles 134-142.

42. Speech of November 25, 1936, cited.

43. Trotsky, *The Revolution Betrayed*, cited, p. 261.

oppression either by capitalist exploiters or Soviet bureaucrats.<sup>44</sup> It should be pointed out that introduction of the secret ballot—which exists in Nazi Germany and Fascist Italy—will not of itself give full freedom of choice to the Soviet citizen, who must, as in the past, vote for candidates nominated either by the Communist party or by non-political organizations subject to Communist control.

In accordance with Stalin's thesis that antagonism between workers and peasants has been eliminated in the Soviet state, the new constitution seeks to equalize the political weight of the two classes. Under the 1924 constitution the workers enjoyed two distinct advantages over the peasants in all elections: town and factory soviets were entitled to one representative for every 25,000 voters, while village soviets could elect only one representative for every 125,000 population; and the town and factory soviets, composed predominantly of workers, elected delegates directly to the All-Union Congress, while delegates elected by village soviets had to pass through two intermediate stages—district and regional congresses—before reaching the All-Union Congress. This difference in the voting rights of workers and peasants was justified on the ground that, during the transition period from capitalism to communism, the class-conscious and politically educated workers had to assume leadership over the backward peasant masses. It was argued that, when the peasants had reached the economic and cultural level of the workers, existing differences between the voting powers of the two groups would gradually disappear. This stage, in the opinion of the Soviet government, has now been reached: the new constitution provides for direct elections to all soviets, beginning with town and village soviets up to and including the Supreme Council of the U.S.S.R.

As a corollary of his "socialist" rights, every Soviet citizen must perform certain duties.<sup>45</sup> He is obliged to fulfill the laws, maintain labor discipline, and respect the rules of socialist society. It is his duty "to safeguard and strengthen public, socialist property as the sacred and inviolable foundation of the soviet system, as the source of the wealth and power of the country, as the source of the prosperous and cultural life of all the working people. Persons attempting to infringe upon public socialist property shall be regarded as enemies of the people." Every citizen must consider it his sacred duty to defend "the fatherland"—increasingly viewed in terms of the national Soviet state, rather than "the socialist fatherland"

of workers throughout the world. Treason against the state—"violation of the oath, desertion to the side of the enemy, impairing the military power of the state, espionage"—shall be punished "with the full severity of the law as the gravest crime." It was on the charge of committing such acts of treason that Zinoviev, Kamenev, Radek, Piatakov and their associates were brought to trial in 1936-1937.

#### CONCLUSION

The new Soviet constitution has aroused far-reaching controversy outside the U.S.S.R. Some observers hail it as an important step toward the establishment of democracy in the "first workers' republic in the world," while others view it as clever camouflage of the Communist dictatorship, designed to win the sympathy of Western democracies for the Soviet Union in the coming conflict with fascism. It may be seen, from the preceding analysis, that while the constitution introduces various procedures regarded as characteristic of democracy—universal, direct and equal suffrage, the secret ballot, an elaborate bill of civil rights—it perpetuates the dictatorship of the proletariat exercised by a single political party whose control, in a country where natural resources and means of production have become "socialist" property, extends over all aspects of social and economic life. At the same time, Soviet spokesmen claim that the 1936 constitution inaugurates a form of economic democracy which Western democratic states have failed to assure.

Stalin himself regards the new constitution not merely as an important step in internal Soviet development but as a valuable weapon in the struggle with fascism. On November 25, 1936 he told the Extraordinary All-Union Congress that the international significance of the constitution could "hardly be overestimated," and that it would serve as "an indictment against Fascism, testifying that socialism and democracy are invincible." Soviet efforts to represent the U.S.S.R. as a "socialist democracy" far in advance of nominally democratic bourgeois states are clearly intended to forge common bonds between the Soviet Union and the Western powers interested in resisting German and Japanese aggression. Yet Soviet claims of "socialist democracy" should not be dismissed as false or hypocritical merely because they do not correspond to Western concepts of democratic institutions or Trotsky's interpretation of Marxist doctrine. History has yet to prove that socialism—hitherto an ideal nowhere completely translated into terms of reality—can be established or maintained without administrative bureaucracy and political dictatorship.

44. *Ibid.*, p. 264.

45. Articles 130-133.